

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In Re:)	Case No. 10-61720
)	
Kimberly A. Triplett)	Adversary Proceeding No. 2:14-ap-02323
)	
Debtor.)	
)	Judge John E. Hoffman, Jr.
)	
Kimberly A. Triplett,)	<u>ANSWER OF HSBC BANK USA,</u>
)	<u>NATIONAL ASSOCIATION, AS</u>
)	<u>TRUSTEE FOR OWNIT MORTGAGE</u>
Plaintiff,)	<u>LOAN TRUST, MORTGAGE LOAN</u>
)	<u>ASSET-BACKED CERTIFICATES,</u>
vs.)	<u>SERIES 2005-5</u>
)	
OWNIT Mortgage Solutions, Inc., <i>et al.</i> ,)	
)	
Defendants.)	

For its Answer to the Adversary Complaint (the “Complaint”) filed by Plaintiff Kimberly A. Triplett, Defendant HSBC Bank USA, National Association, as Trustee for Ownit Mortgage Loan Trust, Mortgage Loan Asset-Backed Certificates, Series 2005-5¹ states as follows:

1. Defendant states the filings in the above styled bankruptcy case speak for themselves and otherwise denies the allegations contained in Paragraph 1 of the Complaint.
2. Defendant admits this is a core proceeding in the proper venue and denies the remaining allegations contained in Paragraph 2 of the Complaint.
3. Defendant is without knowledge sufficient to admit or deny the allegations contained in Paragraph 3 of the Complaint and therefore denies them.

¹ Defendant was improperly named in the Complaint as OWNIT Mortgage Solutions, Inc. c/o HSBC Bank USA, National Association, as Trustee for OWNIT Mortgage Loan Trust, Mortgage Loan Asset Back Certificates, Series 2005-5, Its Successors and/or Assigns. This answer is filed on behalf of Defendant, and the undersigned counsel does not represent OWNIT Mortgage Solutions, Inc. or Real Time Resolutions, Inc.

4. Defendant is without knowledge sufficient to admit or deny the allegations contained in Paragraph 4 of the Complaint and therefore denies them.

5. Defendant admits it holds the first mortgage lien against the subject property and that the instruments filed with the Franklin County Recorder speak for themselves. Defendant states the first mortgage is serviced by Ocwen Loan Servicing, LLC (“Ocwen”) and was previously serviced by Litton Loan Servicing (“Litton”). Defendant states the proof of claim and other filings made in the above styled case by Litton or Ocwen related to the first mortgage loan speak for themselves. Defendant otherwise denies the allegations contained in Paragraph 5 of the Complaint.

6. Defendant is without knowledge sufficient to admit or deny the allegations contained in Paragraph 6 of the Complaint and therefore denies them.

7. Defendant states that it holds the best and first lien against the property and denies that the first mortgage is held by Litton. Defendant is without knowledge sufficient to admit or deny the remaining allegations contained in Paragraph 7 of the Complaint and therefore denies them.

8. Defendant is without knowledge sufficient to admit or deny the allegations contained in Paragraph 8 of the Complaint and therefore denies them.

9. Defendant is without knowledge sufficient to admit or deny the allegations contained in Paragraph 9 of the Complaint and therefore denies them. Defendant states that its first mortgage lien is secured.

AFFIRMATIVE DEFENSES

Defendant reserves the right to assert any and all affirmative defenses that may develop during the courts of this matter, via discovery or otherwise.

WHEREFORE, Defendant HSBC Bank USA, National Association, as Trustee for Ownit Mortgage Loan Trust, Mortgage Loan Asset-Backed Certificates, Series 2005-5 respectfully requests that the interests of Defendant, its successors and assigns be protected in this action as mortgagee with the first and best mortgage lien against the property which is a secured claim.

Respectfully submitted,

/s/ Maria Candace Burnette

Maria Candace Burnette (0088507)

James S. Wertheim (0029464)

McGlinchey Stafford

25550 Chagrin Boulevard, Suite 406

Cleveland, Ohio 44122

Telephone: (216) 378-9905

Facsimile: (216) 378-9910

cburnette@mcglinchey.com

jwertheim@mcglinchey.com

Counsel for Defendant HSBC Bank USA, National Association, as Trustee for OWNIT Mortgage Loan Trust, Mortgage Loan Asset-Backed Certificates, Series 2005-5

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing *Answer of Defendant USBC Bank USA, National Association, as Trustee for OWNIT Mortgage Loan Trust, Mortgage Loan Asset-Backed Certificates, Series 2005-5* was filed using the court's electronic filing system this 2nd day of January, 2015. Notice will be sent to the following:

Katherine B. Brewer, Esq.
W. Mark Jump, Esq.
Jump Legal Group
2130 Arlington Avenue
Cincinnati, Ohio 43221
Counsel for The Chapter 13 Estate of Kimberly A. Triplett

/s/ Maria Candace Burnette

Maria Candace Burnette